

IN THE UNITED STATES BANKRUPTCY COURT
FOR THE EASTERN DISTRICT OF PENNSYLVANIA
PHILADELPHIA DIVISION

IN RE: WILLIAM STEVEN STANAITIS)	
PENNY MIFFLIN STANAITIS)	CHAPTER 13
<u>Debtor(s)</u>)	
)	CASE NO. 23-12187-PMM
ACAR LEASING LTD dba GM FINANCIAL)	
LEASING)	11 U.S.C. 362
<u>Moving Party</u>)	
)	HEARING DATE: <u>4-24-24 at 1:00 PM</u>
v.)	
)	
WILLIAM STEVEN STANAITIS)	
PENNY MIFFLIN STANAITIS)	
<u>Respondent(s)</u>)	
)	
KENNETH E. WEST)	
<u>Trustee</u>)	

MOTION FOR RELIEF FROM THE AUTOMATIC STAY

TO THE HONORABLE UNITED STATES BANKRUPTCY JUDGE:

Comes now ACAR Leasing LTD dba GM Financial Leasing (“GM Financial”) filing this its Motion For Relief From The Automatic Stay (“Motion”), and in support thereof, would respectfully show:

1. That on July 24, 2023, William and Penny Stanaitis filed a voluntary petition under Chapter 13 of the Bankruptcy Code.
2. This Court has jurisdiction of the Motion by virtue of 11 U.S.C. 105, 361 and 362 and 28 U.S.C. 157 and 1334.
3. On July 17, 2021, the Debtor(s) executed a Closed End Motor Vehicle Lease Agreement for a 2021 Chevrolet Equinox bearing vehicle identification number 2GNAXUEV5M6156504. The Lease was assigned to ACAR Leasing and the Debtors became indebted to ACAR in accordance with the terms of same. ACAR Leasing is the owner of the vehicle. Wells Fargo NA is the Collateral Agent for the vehicle. True copies of the Lease Agreement and Title to the vehicle are annexed hereto as exhibits A and B.

4. The Debtors' account is past due from November 17, 2023 to March 17, 2024 with arrears in the amount of \$2,075.40

5. According to the March 2024 NADA Official Used Car Guide, the vehicle has a current retail value of \$23,075.00.

6. ACAR Leasing LTD d/b/a GM Financial Leasing alleges that the automatic stay should be lifted for cause under 11 U.S.C. 362(d)(1) in that ACAR Leasing lacks adequate protection of its interest in the vehicle as evidenced by the following:

(a) The Debtors are failing to make payments to ACAR Leasing and are failing to provide ACAR Leasing with adequate protection.

WHEREFORE PREMISES CONSIDERED, ACAR Leasing LTD dba GM Financial Leasing respectfully requests that upon final hearing of this Motion, (1) the automatic stay will be terminated as to ACAR to permit ACAR to seek its statutory and other available remedies; (2) that the stay terminate upon entry of this Order pursuant to the authority granted by Fed.R.Bank.P., Rule 4001(a)(3) and (3) ACAR Leasing be granted such other and further relief as is just.

Respectfully submitted,

/s/ William E. Craig

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dba GM Financial Leasing